

**Mountain Home Aquifer Working Group
of the
Expanded Natural Resources Legislative Interim Committee
Mountain Home City Hall Meeting Room
160 South 3rd East
Mountain Home, Idaho 83647
October 13, 2004**

Attendees: Chairman: Representative Bert Stevenson
Committee members: Representative Doug Jones, Representative Peter Nielsen,
Senator Tom Gannon
Representative Frances Field
Kent Kuntz, Office of the Governor
Members of the public: Sign-up sheet available from Legislative Services Offices

Presenters: Wayne Hammon, Executive Director, Farm Service Agency, United States Department of Agriculture (FSA, USDA)
Norm Semanko, Executive Director, Idaho Water Users Association (IWUA)

Chairman Bert Stevenson called to order the meeting of the Mountain Home Aquifer Working Group at 9:34 a.m. on Wednesday, October 13, 2004, in the Mountain Home City Hall Meeting Room. The working group approved the minutes of its previous meeting: Representative Jones moved to approve the minutes of September 14, 2004; Representative Nielsen seconded the motion. The minutes were unanimously approved.

Wayne Hammon, Farm Service Agency, reported on the Conservation Reserve Enhancement Program (CREP). While CREP will not solve the aquifer problems on the Eastern Snake Plain or Mountain Home, it is one piece of the puzzle. Enrolling an estimated 100,000 acres in CREP could result in targeted water savings of 150,000 acre/feet.

CREP Proposal: A working group comprised of various agencies and groups is developing a draft CREP proposal to present at the Expanded Natural Resources Interim Committee's November meeting. From there, the proposal must advance through the legislature to the governor who must submit the proposal to the United States Department of Agriculture. If approved, the program could be in place by late fall of 2005 or early spring 2006. The biggest obstacles to an Idaho CREP are cash payments and surface water issues.

CREP Overview: CREP builds on the more familiar CRP program to take ground out of production and convert it to permanent wildlife habitat. Individual farmers or landowners would work with their county FSA office to enroll irrigated acres in the program.

Federal Irrigation Rate: The federal government would pay an adjusted irrigation rate - the statewide average is \$118 per acre - for the length of the contract plus \$5 per acre maintenance and 50% of the planting costs (seed, grass, diesel). The adjusted irrigation rate will vary and is determined by the Hydrological Unit (HUC) in which the ground is located. For the first three years, some irrigation will be allowed to establish the cover crop. After three years, no pumping will be

allowed and the water right cannot be transferred. The water will stay in the aquifer; the water right will be protected from forfeiture by the CRP exemption in *Idaho Code*.

State Match: The state of Idaho is required to provide a 20% match, a combination of in-kind services and cash to the farmer or landowner. At the moment, no one knows how much cash will be required, but it can come from any source - Trout Unlimited, Pheasants Forever, the ground water districts, or some other entity. IDWR suggested that the ground water districts provide cash and the ground water districts have agreed, if this money is included in their portion of a settlement agreement. In-kind services include such things as Idaho Department of Water Resources' (IDWR) budget for water masters and well monitoring.

Enrollment Caps: Federal restrictions limit CRP enrollment to 25% of the eligible acres in any one county. The CREP working group proposes capping CREP enrollment at 50% of that 25%.

Elmore County: In Elmore County, an estimated 18,141.8 acres would be eligible for CREP enrollment. A ground water district would have to be formed or some other entity identified that could provide the cash match. There is already a petition to form a ground water district being circulated; however, there were questions about the number of signatures necessary. Helen Harrington, Idaho Department of Water Resources (IDWR), will check the statute.

The issue of surface water and supplemental wells was raised. The CREP working group is struggling to determine how to calculate and monitor the water savings in these instances. It may be easier to exclude both. Discussion is ongoing. It was noted that the \$118 acre purchase rental rate is very close to the purchase cost. The federal government does not have the statutory authority to purchase land.

If CREP is successful, there are two options for expanding the program. One is to develop another program; the other is to expand the acreage cap.

The following handouts were provided: USDA FSA Conservation Reserve Enhancement Program Fact Sheet, May 2003; USDA CREP Proposal Map - for discussion purposes only; Idaho CREP Working Group Idaho CRP Enrollment Figures –as of 9/30/2004; and Idaho Farm Service Agency CREP Ranking Sheet - Draft 4 - October 7, 2004.

Nez Perce Agreement: Norm Semanko, IWUA, reviewed the Nez Perce Agreement, using handouts printed from a power point presentation entitled “The SRBA Mediation/Nez Perce Tribe Water Rights Settlement” as his focal point. His presentation outlined preliminary questions about the agreement, discussed the court-ordered and confidential negotiations, and provided an overview of the agreement’s three components, scope and general principles.

The agreement consists of three components: the Upper Snake River Flow Component, Salmon/Clearwater Component, and the Nez Perce Tribal Component. Provisions in each component address issues pertaining to water rights, flow augmentation, in stream flow, minimum stream flow, Endangered Species Act and Clean Water Act obligations, and monetary commitments among the parties. Semanko discussed the risks and benefits inherent in the 30-year settlement including the risk of litigation, the agreement’s provisions for Willing Lessor/Willing Seller, and

what could happen if the agreement is not ratified by next March. The question and answer session that followed primarily focused on the agreement's ratification: its progress through Congress, potential opposition in Idaho, and Tribal response. Representative Field asked if the state was obligated to provide 427,000 acre/feet in flow augmentation during a dry year. Semanko said, "No, the language is up to 427,000."

CAFOS: Several members of the public then asked the working group to address the number of CAFOs being approved in the area. Concerns were expressed that changing the time of use from the irrigation season to year round would increase the amount of water used and reduce aquifer recharge. Chairman Stevenson replied that the working group is addressing water issues, but land use is a local issue. Representative Jones explained that land use and siting are county issues. The commissioners can ask for a site review team made up of technical experts from state agencies, but are under no obligation to accept the recommendations of the site review team. Once a CAFO is sited, state agencies like IDWR, Idaho Department of Environmental Quality, and the Department of Agriculture are responsible for regulating it. When a water right is approved for a dairy, the dairy cannot exceed the total amount of water consumed under the original water right. The dairy's water use is metered and reported.

The next meeting is scheduled for Wednesday, November 10, 2004 at 9:30 a.m. in the Mountain Home City Hall Meeting Room.

There being no further business before the working group, the meeting adjourned at 11:43 a.m.

CONTACT INFORMATION:

Copies of the maps, studies and handouts are available to the public on the IDWR website at www.idwr.state.id.us/Committee

Meeting notices, agendas and minutes are available to the public at <http://www2.state.id.us/legislat/legislat.html>.

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